

INDIANA DEPARTMENT OF TRANSPORTATION

INDIANAPOLIS, INDIANA 46204-2249

INTER-DEPARTMENT COMMUNICATION

October 5, 1993

MEMORANDUM

To: All preparers of environmental documents

 From: Mr. James E. Juricic, Manager
Environmental Assessment Section

Re: Memorandum of Understanding, Streamlining and reducing the flow of
early coordination letters/responses with the U.S. Fish and Wildlife
Service

Attached is a Memorandum of Understanding between the Indiana Department of Transportation and the U.S. Fish and Wildlife Service concerning early coordination. This MOU supersedes the information in the current "Procedural Manual for Preparing Environmental Studies" with reference to early coordination with the U.S. Fish and Wildlife Service. On all future projects, please follow the guidelines that are laid out in the MOU. If you should have any further questions, do not hesitate to contact this office.

JEJ/BJO

September, 1993

MEMORANDUM OF UNDERSTANDING

Re: Streamlining and reducing the flow of early coordination letters/responses with the U.S. Fish and Wildlife Service

The goal for these revisions is the streamlining and reduction of early coordination responses needed from the USFWS for both INDOT and local public agency transportation projects. The potential to impact natural areas will be the guiding criteria on when and how coordination is to be done for USFWS. Any revisions to the current early coordination method must meet U.S. Fish and Wildlife's as well as the Indiana Department of Transportation's regulatory and legal needs, such as permitting, the Endangered Species Act, and various federal regulations and review authority.

There will be three types of coordination with the U.S. Fish and Wildlife Service - no coordination needed based upon the potential impacts of the project, programmatic coordination, and standard early coordination. As additional information becomes available concerning endangered species and other significant resources, the following data is subject to revision.

No Coordination Required

1. Bridge rehabilitation, widening and reconstruction projects within existing right-of-way. *
2. Improving railroad grade crossings. *
3. Small structure replacements. *
4. Access control (consolidation or elimination of access points). *
5. Road resurfacing, restoration, rehabilitation, reconstruction added shoulders, or added auxiliary lanes (e.g. parking, weaving, turning, climbing) within existing permanent right-of-way. *
6. Intersection improvements. *
7. Erosion control projects. *
8. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes that requires additional right-of-way if all of the right-of-way is currently in urban land usage. *
9. Highway safety or traffic operations improvement projects including installation of ramp metering control devices as long as within existing right-of-way. *

Mud Pine Creek (Warren County)
Muscatatuck River, including Vernon Fork
Ohio River
Oil Creek (Perry County)
Otter Creek (Jennings, Ripley County)
Patoka River (Gibson, Pike Counties)
Pigeon River (Lagrange County)
Rattlesnake Creek (Fountain County)
Rattlesnake Creek (Parke County)
Roaring Creek (Parke County)
Sand Creek (Barrtholomew, Decatur, Jackson, Jennings Counties)
South Branch Elkhart River (Noble County)
St. Joseph River (Elkhart, St. Joseph County)
Stinking Fork (Crawford County)
Sugar Mill Creek (Fountain, Parke Counties)
Sugar Creek (Montgomery, Parke Counties)
Sugar Creek (Johnson, Shelby Counties)
Tippecanoe River
Turkey Fork (Crawford County)
Wabash River
White River Mainstem (Gibson, Pike, Knox Counties)
White River West Fork
White River East Fork
Whitewater River (Fayette, Franklin Counties)
Wildcat Creek, all branches (Carroll, Clinton, Tippecanoe Counties)

Karst areas

See accompanying map

List of Geographic Locations Excluded from Programmatic Coordination Between
the Indiana Department of Transportation and the U.S. Fish and Wildlife
Service

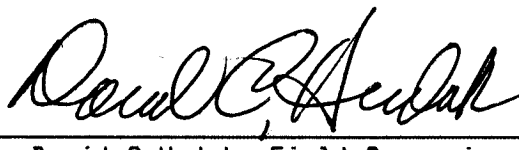
County Locations

Lake, Porter, LaPorte (all locations within Lake Michigan watershed)
Clark (all locations within Silver Creek watershed)
Ohio, Ripley, Switzerland (bottomland meadows)

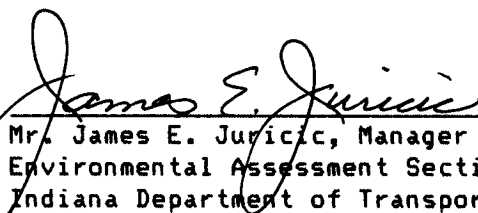
Streams and Rivers

Bear Creek and tributaries (Fountain County)
Big Walnut Creek (Putnam, Hendricks Counties)
Big Creek (Jefferson County)
Big Pine Creek (Warren County)
Big Blue River (Johnson, Rush, Shelby Counties)
Black River (Posey County)
Blue River, including South Fork (Crawford, Harrison, Washington Counties)
Buck Creek (Harrison County)
Cedar Creek (Allen, Dekalb Counties)
Clifty Creek (Montgomery County)
Cypress Slough Creek (Posey County)
Deep River (Lake, Porter Counties)
Driftwood River (Bartholomew County)
Eel River (Miami, Wabash Counties)
Elkhart River (Elkhart, Noble Counties)
Fall Creek (Warren County)
Fawn Creek (Lagrange, Steuben Counties)
Fish Creek (Dekalb, Steuben Counties)
Flatrock River (Shelby County)
Graham Creek (Jefferson, Jennings, Ripley County)
Grand Calumet River (Lake County)
Indian Creek (Harrison County)
Indian Creek (Montgomery County)
Indian-Kentuck Creek (Jefferson, Ripley Counties)
Iroquois River (Newton County)
Kankakee River
Kilmore Creek (Clinton County)
Laughery Creek (Dearborn, Ohio, Ripley Counties)
Little Blue River (Crawford County)
Little River (Allen, Huntington Counties)
Little Mosquito Creek (Harrison County)
Little Pine Creek (Warren County)
Little Indian Creek (Harrison County)
Little Calumet River East Fork (Porter County)
Little Creek (Jefferson County)
Lost River (Martin, Orange Counties)
Mississinewa River
Mosquito Creek, including West Branch (Harrison County)

- do not include engineer's reports or unnecessary engineering details.
- do include a biological report that minimally includes:
 - description of the habitats of the project area.
 - Dominant species for each habitat type.
 - any possible rare or endangered species habitat.
 - photographs of the project site.
 - aerial photography of the site at such a scale that existing and proposed right-of-way and natural features can be shown.
 - any unique, sensitive or unusual biological features or conditions that exist at the site.
 - describe any water features present.
- do include a basic description of the proposed project:
 - type of project.
 - length of project
 - existing and proposed right-of-way width.
 - maintenance of traffic
 - any impacts to surface waters or drainage of the project - work in or near streams, lakes, ditches, etc.
- do include past, current and proposed land uses in the proximity of the project.
- do include adequate graphics - U.S.G.S. quadrangle maps, aerial photographs, well labeled photographs of the site and NWI and County Soil maps if available.

 9/17/93

Mr. David C. Hudak, Field Supervisor
U.S. Fish and Wildlife Service

 9/28/93

Mr. James E. Juricic, Manager
Environmental Assessment Section
Indiana Department of Transportation

10. Acquisition of land for hardship or protective purposes. *

*All criteria discussed below in the programmatic coordination section must also be satisfied for no coordination to be necessary.

Programmatic Coordination

Certain types of impacts would allow a project to fall under a programmatic coordination where programmatic early coordination would occur, but the coordination would normally elicit no individual response. The programmatic response would be included in the Procedural Manual for Preparing Environmental Studies. This programmatic response from the U.S. Fish and Wildlife Service would supply generalized conditions, etc. required for the project as well as Section 7 clearance (see attached programmatic response). Should special, unforeseen circumstances occur requiring a response from the U.S. Fish and Wildlife Service, they will respond within 60 days. The following permit projects would be one criteria or "red button". The following list of criteria would disallow a project being programmatically coordinated and thus would require standard early coordination:

Projects requiring a Section 404 Permit (individual or nationwide) with jurisdictional wetlands contiguous to the roadway.

-The disturbance of natural areas in certain geographical regions (see attached list) - possible rare, threatened, and endangered species habitat.

-Any project that is located in the Karst region (see attached map)

-Any channel work below low water beyond that actually necessary for the installation of the structure.

Any channel work above low water greater than 70' from the edge of the structure.

-Any new road alignment affecting more than one acre of natural habitat.

-Any project requiring a Section 4(f) (except for historic or archaeological 4(f)'s).

These criteria would apply only to those types of projects that fall under a regular categorical exclusion or require an Environmental Assessment/Finding of No Significant Impacts. Projects requiring a DEIS/FEIS would require standard early coordination.

INFORMATION NEEDED IN THE EARLY COORDINATION BY USFWS

Early coordination often includes too much of the wrong information and too little of the right information. To rectify this the following guidelines should be met:

Potential Karst Area of Indiana

1. Approximate Boundaries:

North: southern boundary of Wisconsin glaciation
East: Spickert Knob Formation (Borden group)
South: Ohio River
West: Western edge of Mw (West Baden and Stephensport Groups and upper Chesterian rocks) outcrop area

2. Counties Included: (13)

Putnam	Greene	Dubois	Crawford
Morgan	Martin	Washington	
Owen	Lawrence	Floyd	
Monroe	Orange	Harrison	

Note: Four (4) counties (Clay, Jackson, Spencer and Perry) which have either Ms or Mw mapped within their borders are not included in the potential karst are for mainly two (2) reasons. The first is that no caves are listed in them in the 1961, Caves of Indiana by Richard Powell. The second is that Clay, Jackson and Spencer counties also had but very small intrusions of these rocks at the bedrock surface.

Although the Mw rocks do not contain the massive limestones in which karst features typically develop, it was selected as the western map boundary because it matched up very well with the cave location map included in the Caves of Indiana report.